

ORDINANCE NO. 11139

AN ORDINANCE AMENDING CHAPTER 6, "ANIMALS AND FOWL", OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (1986), AS AMENDED, BY CHANGING CERTAIN DEFINITIONS IN SECTION 6-1; BY ADDING ARTICLE X, "MINIATURE SWINE"; BY AMENDING ARTICLE VI, "ANIMAL CONTROL IMPOUNDMENT; FEES"; BY AMENDING APPENDIX B, "DEPARTMENT OF CITY SERVICES", BY CHANGING SECTION 11A-19; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND CODES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That Chapter 6, "Animals and Fowl", of the Code of the City of Fort Worth, Texas (1986), as amended, is hereby further amended by adding the following definition to Section 6-1, "Definitions":

Miniature Swine: any member of the swine family which has, through selective breeding, been genetically manipulated so as to attain a maximum height of eighteen inches at the shoulder and a maximum weight of sixty (60) pounds.

SECTION 2.

That Chapter 6 is further amended by adding Article X, "Miniature Swine", which shall read as follows:

Sec. 6-80. Miniature Swine.

Miniature swine, as defined in Section 6-1, may be kept as pets in the City of Fort Worth. The following requirements shall apply to the keeping of miniature swine within the City of Fort Worth:

- (a) There may be a maximum of two (2) swine per household or business. The swine may be of any age. Under no circumstances may a person keep more than two (2) miniature swine per household or business.
- (b) All swine must be either spayed or neutered. Under no circumstances may a person engage in the

propagation or breeding of miniature swine within the city limits of the City of Fort Worth.

- (c) It shall be unlawful for any person to keep or maintain miniature swine outdoors. A person may permit miniature swine outdoors for brief periods (but not to exceed one hour per occurrence), as necessary for exercise or for the elimination of waste. The outdoor area used for exercise and waste elimination must be a secure area from which the swine may not escape. Miniature swine are subject to all other sections of this chapter, including sections on restraint of animals.

Sec. 6-81. Vaccination requirements.

It shall be unlawful for any person to keep or maintain miniature swine unless the swine have received annual vaccinations against erysipelas, parvo virus and leptospirosis. The first inoculations for such diseases must be received before the animal is four (4) months of age. The owners of all miniature swine must forward to the Fort Worth Animal Control Division a health certificate from a licensed veterinarian, within fourteen (14) days of vaccination. Such certificate shall contain the following information:

- (a) Name, address, driver's license number and telephone number of the owner;
- (b) Name, address and telephone number of the licensed veterinarian providing the vaccinations and certificate;
- (c) Name, recent photograph and description of the animal, giving the age, weight and height;
- (d) The types and dates of the vaccinations;
- (e) A statement of the general health of the animal; and
- (f) Certification that the animal has been either spayed or neutered.

Sec. 6-82. Registration requirements.

- (a) All miniature swine kept within the City of Fort Worth shall be registered with the Animal Control Division within fourteen (14) days from the time the animal is taken to its place of residence.

The following requirements shall apply to registration of all miniature swine:

- (1) Filing of a Health Certificate as described above;
 - (2) Payment of an annual fifty dollar (\$50.00) registration fee; and
 - (3) Obtaining a registration tag from the Animal Control Division.
- (b) The owner or keeper of miniature swine must inform the Animal Control Division within fourteen (14) days of the death, change in ownership or caretaker, or change in residence location of a miniature swine.

Sec. 6-83. Conditions.

All locations where miniature swine are kept shall be kept in a clean and sanitary condition. Exercise areas shall be cleaned of swine excrement on a daily basis.

Sec. 6-84. Violations; penalties.

- (a) Any violation, disobedience, omission, neglect or failure or refusal to comply with the enforcement of any of the provisions of this article shall be punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each violation. Each day that a violation is permitted to exist shall constitute a separate offense.
- (b) If any person is found guilty of having violated any provision of this article, such violation may result in revocation of such person's authorization to keep or maintain miniature swine.

SECTION 3.

That Chapter 6 is further amended by changing Paragraph (a)(2) in Section 6-43 to read as follows and by adding a new Paragraph (a)(5.1) to Section 6-43 to read as follows:

- "(2) A dog, cat or miniature swine does not wear or have a valid city license tag affixed to its collar and said animal is not being currently used in a research program at the owner's institute of

SECTION 5.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 6.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption and Sections 1, 2, 3, 4 and 8 of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

higher education which is accredited by the American Association for Accreditation of laboratory Animal Care;

....

- (5.1) A miniature swine does not have valid, current vaccinations for erysipelas, parvo virus and leptospirosis."

SECTION 4.

That Appendix B of the Code of the City of Fort Worth, Texas (1986), as amended, is hereby further amended by changing Section 11A-19, "Pigpens, lots, stables, etc., restricted; exceptions", to read as follows:

- "(a) It shall be unlawful to keep or permit to be kept swine in any pen, lot, stable, yard, shed, sty, or any other place within the City; providing, however, that this section shall not prohibit the operation of slaughter houses or the keeping of swine for processing by slaughter houses in the City, nor prohibit the keeping of swine for the exhibition of swine for a period not to exceed twenty-one (21) days in connection with agricultural exhibitions or fairs, nor prohibit the temporary keeping of swine for sale within the boundaries of the Fort Worth Stockyards located at 131 East Exchange Street. The keeping of any individual swine shall be deemed temporary if the individual swine are not kept for more than 14 days.
- (b) It shall be unlawful to keep or permit to be kept any pig pen, lot, stable, yard, shed, sty or other place in which swine are kept within the City which, by odor or noise, causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof, or which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities.
- (c) It shall be an affirmative defense to Section 11A-19 (a) above if the swine being kept is a miniature swine, as defined in Chapter 6, Section 6-1, of this Code, and the swine is kept in conformity with Article X of Chapter 6 of this Code."

SECTION 8.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Date: 1-28-92

ADOPTED: 1-28-92

EFFECTIVE: _____

ANIMALS

There are several sections of the Fort Worth City Code that regulate the care and keeping of animals, fowl and livestock, because there are so many species and the problems that accompany them. The responsibility for the enforcement of regulations are shared by the Code Enforcement Division and the Animal Control Division. In general terms, the categories are domestic animals, prohibited animals, too many animals, licensing, vaccination, dangerous animals, kennels, unsanitary conditions and large and small dead animals. The following information will provide an easy reference for you.

ANIMALS, DEAD, SMALL - Responsibility assigned to the Animal Control Division.

ANIMALS, DEAD, LARGE - Animal owners are responsible for the removal of large dead animals.

ANIMALS, DOMESTIC - The animals permitted to be kept in Fort Worth for example are dogs, cats, horses, bulls, cows, donkeys, mules, sheep, rabbits, guinea pigs, hamsters, gerbils, goats, hamsters, emus, ostriches and rheas. Applicable licensing, registration or vaccination requirements assigned to the Animal Control Division. Distance requirements, number of animals and unsanitary conditions are assigned to the Code Enforcement Division.

ANIMALS, PROHIBITED - The animals not permitted to be kept in Fort Worth for example are lions, tigers, bobcats, jaguars, leopards, cougars, wolves, dingos, coyotes, foxes, jackals, weasels, skunks, martins, ferrets, minks, badgers, raccoons, bears, kangaroos, opossums, koala bears, wallabys, bandicoots, wombats, bats, sloths, anteaters, armadillos, elephants, monkeys, chimpanzees, orangutans, gorillas, beavers, porcupines, antelope, deer, bison and camels. Additionally, the list includes hawks, eagles, falcons vultures, poisonous frogs, certain snakes and reptiles, alligators and crocodiles. Enforcement responsibility is assigned solely to the Animal Control Division.

ANIMALS, SPECIFIC - Miniature swine (60 pounds or less etc.) such as "pot-bellied pigs" are permitted in Fort Worth if kept in accordance with specific code requirements. Enforcement responsibility is assigned to the Animal Control Division.

ANIMALS, SPECIFIC - Hogs, swine and pigs are are not permitted to be kept in Fort Worth, unless certain requirements are met relative to livestock shows or slaughter houses. Enforcement responsibility is assigned to the Code Enforcement Division.

CITY OF FORT WORTH, TEXAS



COUNCIL PROPOSAL

Date 7-23-92	File Number CP-174	Subject Ordinance Regulating Miniature Swine (Pot-Bellied Pigs)
Proposed by Councilmember Chuck Silcox	City Manager's Review <i>Wick Groome</i>	
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Proposal:

It is proposed that the City council adopt the attached ordinance which would regulate miniature swine (pot-bellied pigs) in the City of Fort Worth.

Background:

Several individuals have appeared before the City Council concerning ordinances which prohibit the keeping of swine in the City of Fort Worth. They have asked the Council to amend these ordinances to permit the keeping of miniature swine (pot-bellied pigs) as pets in the City.

The attached ordinance was prepared by the Department of Law in cooperation with the Department of Public Health and the Code Enforcement Division.

The ordinance contains the following provisions:

1. "Miniature swine" are swine that have been bred to attain a maximum shoulder height of 18 inches and a maximum weight of 60 pounds.
2. Miniature swine may be kept in the City under the following conditions:
 - (a) A maximum of two animals may be kept per household or business;
 - (b) All animals must be spayed or neutered and no propagation or breeding is permitted; and
 - (c) The animals must be kept indoors except for temporary brief periods; outdoor areas used for exercise and waste elimination must be secure and kept clean; and the animals must be restrained
3. All animals must be vaccinated and have a health certificate from a licensed veterinarian.
4. All animals must be registered with the Animal Control Division, have a tag, and an annual registration fee must be paid.
5. Violation of the ordinance is punishable by a fine up to \$2,000 and may result in revocation of authorization to keep an animal.
6. All animals must wear a tag and collar

Adopted Ordinance No. 11139

**APPROVED
CITY COUNCIL**

JUL 28 1992

Dee Church
City Secretary of the
City of Fort Worth, Texas

- ☐ LEGALITY
- ☐ FISCAL NOTE
- ☐ CITY MANAGER'S COMMENTS
- ☐ CITY POLICIES MANUAL

POLICY PROPOSAL (cont'd)

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7. Swine of any size and variety may be temporarily kept for sale within the boundaries of the Fort Worth Stockyards at 131 East Exchange Street.

Adoption of the ordinance would permit miniature swine (pot-bellied pigs) to be kept as pets under conditions that adequately protect the public health, safety, and welfare.

Legality:

The City Attorney has reviewed this proposal and finds no legal impediments to adoption of the attached ordinance.

Fiscal Note:

This proposal does not require the expenditure of any additional City funds.

City Manager's Comments:

The City Manager has reviewed this proposal and has no objection to adoption of the attached ordinance.

Chuck Silcox, Councilmember
District No. 3